IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 26563 of 2007(K)

PETITIONER:

PARAGON BIOMEDICAL INDIA PVT. LTD.,
B-16. GAYATRI BUILDINGS,
TECHNOPARK CAMPUS, TRIVANDRUM
REPRESENTED BY ITS DIRECTOR,
SMT. LATHIKA DILEEP.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.PAUL JACOB (P)

RESPONDENTS:
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1. **ASSISTANT PROVIDENT FUND COMMISSIONER,**
   EMPLOYEES PROVIDENT FUND ORGANIZATION,
   REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN,
   PATTOM, THIRUVANANTHAPURAM.

2. **THE MANAGER, INDUS IND BANK, TECHNOPARK,**
   TRIVANDRUM.

3. **EMPLOYEES PROVIDENT FUND TRIBUNAL,**
   NEW DELHI, REPRESENTED BY ITS REGISTRAR.

4. **G4 FACILITY SERVICES(INDIA)PVT. LTD.,**
   T.C.9/2041(1), OPP. ALAKAPURI AUDITORIUM,
   KOCHAR ROAD, SASTHAMANGALAM P.O.,
   TRIVANDRUM-10.

5. **DELTA SECURITY AND ALLIED SERVICE,**
   39 PF ROAD, PATTOM,
   THIRUVANANTHAPURAM-4.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN,J

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W.P.(C).No.26563 of 2007

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Dated this the 19th day of September 2007

JUDGMENT

The petitioner challenges coercive proceedings for recovery of contribution pursuant to orders under Section 7A of the Employees Provident Funds and Miscellaneous Provison Act, pending appeal filed by the petitioner before the Tribunal. The petitioner submits that the entire amounts have been recovered by resort to proceedings under Section 8F of the Employees Provident Fund and Miscellaneous Provisions Act, 1952. The petitioner submits that the coercive recovery proceedings while the appeal is pending are without jurisdiction. However, for the present the petitioner would be satisfied with a direction that if ultimately the appeal is allowed, the Provident Fund Organisation shall pay interest on the amounts recovered from the petitioner. The learned standing counsel for the Provident Fund Organisation submits that if the appeal is allowed and the amounts recovered become refundable, the Provident Fund Organisation is willing to pay interest on such amounts to the petitioner at the rates of interest given by banks. However,

since the Provident Fund Organisation recovers interest from the petitioner for late payment of contributions under Section 7Q, I am of opinion that the organisation should also pay interest at the same rate as applicable under Section 7Q. Accordingly holding that if ultimately the petitioner succeeds in the appeal pending before the Tribunal, the Provident Fund Organisation would pay interest to the petitioner on the amounts recovered and refundable, at the rate as applicable for interest under Section 7Q, this writ petition is disposed of.

This writ petition is closed.

S.SIRI JAGAN, JUDGE

dvs